

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

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	Consolidated with and now assigned civil action no:
<b>PNC BANK, N.A. and</b>	§
<b>COLUMBIA HOUSING SLP</b>	§
<b>CORPORATION, as partners in</b>	§
<b>2013 Travis Oak Creek, LP, and</b>	§
<b>2013 TRAVIS OAK CREEK, LP</b>	§
 <b>Plaintiffs,</b>	§
 v.	§
 <b>2013 TRAVIS OAK CREEK GP, LLC,</b>	§
<b>2013 TRAVIS OAK CREEK</b>	§
<b>DEVELOPER, INC.,</b>	§
<b>CHULA INVESTMENTS, LTD.,</b>	§
<b>and RENE O. CAMPOS</b>	§
 <b>Defendants.</b>	§

## **ORDER ON EMERGENCY MOTION FOR EXPEDITED DISCOVERY**

PNC Bank, N.A., Columbia Housing SLP Corporation, and 2013 Travis Oak Creek, LP (collectively, the “**Movants**”) filed an Emergency Motion for Expedited Discovery (the “**Motion**”) specifically so that the parties can prepare for the July 21, 2017 preliminary injunction hearing and continued hearing on 2013 Travis Oak Creek GP, LLC and 2013 Travis Oak Creek LP’s application for the appointment of a receiver (collectively the “July Hearing”).

The Court has considered the motion and response and finds the discovery should be ordered on the terms set forth in this Order.

**IT IS ORDERED** that the parties are permitted to conduct expedited discovery in this case for the purpose of preparing for the July Hearing, and such discovery may commence immediately following the date of this Order, in accordance with its terms.

**IT IS ORDERED** that each side (i.e., not each party) is hereby permitted to serve twenty (20) requests for production, ten (10) interrogatories, and twenty (20) requests for admission on the other side in the case, along with notices of depositions listing corporate representative topics of examination. . The parties shall serve any objections to any such requests or notices served upon their side, in writing, by no later than four (4) business days after the date of service of the request or notice. The parties shall serve substantive written responses to the requests and shall produce documents by seven (7) calendar days after the date of service of the requests subject to their objections. Service of objections and written responses must be made by and shall be effective if served by email on all counsel of record. Production of documents must also occur via email, or by uploading to a cloud-type, mutually accessible document management or storage facility. On request by any of the Parties, the Court will consider all objections served by any Party, via a telephonic hearing to occur not later than \_\_\_\_\_, if the parties are unable to agree to a resolution of the same prior to that time.

**IT IS ORDERED** that Movants are permitted to take the corporate representative deposition of each of the opposing entity parties (to occur concurrently at the same deposition), and that those entities' representatives at the deposition shall be at least Rene O. Campos and Mark Rogers. Movants may simultaneously take the deposition of Mr. Campos and Mr. Rogers in their personal capacities.

**IT IS ORDERED** that Respondents are permitted to take the corporate representative deposition of each of the opposing entity parties (to occur concurrently at the same deposition), and those entities' representative shall be at least David Hasselwander (on behalf of Columbia Housing SLP Corporation and PNC Bank, National Association), and Abi Tobun (on behalf of PNC Bank, National Association). Defendants may simultaneously take the depositions of Messrs. Hasselwander and Tobun in their personal capacities.

**IT IS ORDERED** that the depositions described above shall take place in Dallas, Texas during the time period between July 12<sup>th</sup> and July 19th, 2017 subject to the witness' schedules, and as may be otherwise agreed to by the parties. In the unlikely event the lawyers cannot agree on deposition scheduling, the parties can contact Magistrate Judge Mark Lane for immediate deposition scheduling resolution.

Other than as authorized above, no further expedited discovery is permitted, except as may be further authorized by Order from the Court, or agreed to by the parties.

**IT IS FURTHER ORDERED** that the parties are to participate in mediation to take place in Dallas, Texas before the July Hearing. One or more representatives with full authority to reach a complete settlement (including a settlement of the parties' "breakage fee" dispute) must attend on behalf of each party.

**SO ORDERED.**

SIGNED on this \_\_\_\_ day of \_\_\_\_\_, 2017.

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United States Magistrate Judge